SENATE BILL   No. 1276

Introduced by Committee on Elections, Reapportionment and Constitutional Amendments (Senators Bowen (Chair), Battin, Murray, Poochigian, and Romero)

February 10, 2006

An act to amend Sections ~~5100, 5100.5, 5101, 10703,~~ *10703* and 15101 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 1276, as amended, Committee on Elections, Reapportionment and Constitutional Amendments. Omnibus elections bill.

~~(1) Existing law specifies the methods for political parties to qualify to participate in primary elections and requires that an existing political party not be qualified to participate in a primary election whenever the registration of that party falls below ¹⁄₁₅ₜₕ of 1% of the total state registration in the previous direct primary election.~~

~~Existing law also requires, upon the occurrence of each gubernatorial election, that the Secretary of State review the qualifications of each party to participate in any subsequent primary election.~~

~~This bill would revise the standards and procedures by which a political body or a political party may qualify to participate or regain qualification to participate in a primary election and would require, except as specified, that the Secretary of State review the qualifications of each party only upon the occurrence of each gubernatorial election, as specified.~~

~~(2)~~

(1) Existing law requires that a special election shall be conducted to fill a vacancy in the office of Representative in Congress, State Senator, or Assembly Member on a Tuesday at least 112 days, but not more than 119 days, following the issuance of an election proclamation by the Governor, except as specified.

This bill would extend the time period for holding a special election from at least 112 days to no more than 126 days *following the issuance of an election proclamation by the Governor.*

~~(3)~~

(2) Existing law specifies the procedures for processing absentee ballot return envelopes during the 29-day period before any election and authorizes any jurisdiction having the necessary computer capability to start processing absentee ballots on the 7th day prior to the election.

This bill would revise this authorization to apply to the 7th business day prior to the election.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1   SECTION 1.   Section 5100 of the Elections Code is amended
2   to read:
3   5100.   A political body that desires to qualify as a party
4   pursuant to Chapter 1 (commencing with Section 5000) or a
5   party that desires to regain its qualification pursuant to Section
6   5100.5 shall meet one of the following standards on, or at any
7   time prior to, the 135th day before the primary election for which
8   the proposed party desires to qualify or regain qualification:
9   (a) The Secretary of State determines, as a result of examining
10   and totaling the statement of voters and their political affiliations
11   transmitted to him or her by the county elections officials, that
12   voters equal in number to at least 1 percent of the entire vote of
13   the state at the last preceding gubernatorial election have
14   declared their intention to affiliate with that proposed party.
15   (b) A petition is filed with the Secretary of State signed by
16   voters equal in number to at least 10 percent of the entire vote of
17   the state at the last preceding gubernatorial election. The petition
18   shall declare that those voters signing the petition represent a
19   proposed party, the name of which shall be stated in the petition,

1   and that those voters desire to have that proposed party
2   participate in the next ensuing primary election. This petition
3   shall be circulated, signed, verified and the signatures of the
4   voters on it shall be certified to and transmitted to the Secretary
5   of State by the county elections officials substantially as provided
6   for initiative petitions. Each section of the petition shall bear a
7   caption in 18-point boldface type, that shall contain the name of
8   the proposed party followed by the words "Petition to participate
9   in the primary election."
10   SEC. 2. Section 5100.5 of the Elections Code is amended to
11 read:
12   5100.5. (a) Each January immediately subsequent to the
13 occurrence of the gubernatorial election, each party shall have its
14 qualifications reviewed by the Secretary of State. A party that
15 does not meet the standards for qualification set forth in
16 subdivision (b) shall be disqualified and prohibited from
17 participating in any subsequent primary election unless the party
18 regains qualification in accordance with subdivision (c). A party
19 shall maintain its qualification to participate in any subsequent
20 primary election by complying with any of the conditions
21 specified in subdivision (b).
22   (b) A party shall maintain its qualification if it meets one of
23 the following standards:
24   (1) If at the last preceding gubernatorial election there was
25 polled for any one of its candidates for any office voted on
26 throughout the state, at least 2 percent of the entire vote of the
27 state.
28   (2) The Secretary of State determines, as a result of examining
29 and totaling the statement of voters and their political affiliations
30 transmitted to him or her by the county elections officials, that
31 voters equal in number to at least 1 percent of the entire vote of
32 the state at the last preceding gubernatorial election have
33 declared their intention to affiliate with that party.
34   (c) (1) The Secretary of State shall immediately notify a party
35 that has been disqualified pursuant to this section of his or her
36 determination.
37   (2) A party that has been disqualified pursuant to this section
38 and that desires to regain qualification as a party shall file formal
39 notice with the Secretary of State that the party intends to regain
40 qualification.

1 (3) A party that has been disqualified pursuant to this section
2 may regain qualification by meeting one of the standards
3 described in Section 5100.
4 (4) Unless the notice required in paragraph (1) is timely
5 received by the Secretary of State, he or she may have the name
6 of the party omitted from any list, notice, ballot, or other
7 publication containing the names of the parties qualified or
8 seeking qualification that the Secretary of State may cause to be
9 printed or published.
10 (d) For purposes of subdivision (b) of Section 8001, this
11 section shall only be applicable to a party that has successfully
12 obtained that status for the first time after having been a political
13 body, and shall not apply to a party that has been disqualified.
14 SEC. 3. Section 5101 of the Elections Code is amended to
15 read:
16 5101. (a) With the exception of subdivision (b), the Secretary
17 of State shall review the qualifications of each party only upon
18 the occurrence of each gubernatorial election pursuant to Section
19 5100.5.
20 (b) If at any time the registration of any party falls below
21 one-fifteenth of 1 percent of the total state registration, that party
22 shall not be qualified to participate in the primary election but
23 shall be deemed to have been abandoned by the voters. The
24 Secretary of State shall immediately notify that party of his or her
25 determination and remove the name of the party from any list,
26 notice, ballot, or other publication containing the names of the
27 parties qualified to participate in the primary election.
28 (c) A party that has been disqualified pursuant to this section
29 may regain qualification by meeting one of the standards
30 described in Section 5100.
31 SEC. 4.
32 *SECTION 1.* Section 10703 of the Elections Code is amended
33 to read:
34 10703. (a) A special election to fill a vacancy in the office of
35 Representative in Congress, State Senator, or Member of
36 Assembly shall be conducted on a Tuesday at least 112 days, but
37 not more than 126 days, following the issuance of an election
38 proclamation by the Governor pursuant to Section 1773 of the
39 Government Code, except that any special election may be
40 conducted within 180 days following the proclamation in order

1   that the election or the primary election may be consolidated with
2   the next regularly scheduled statewide election or local election
3   occurring wholly or partially within the same territory in which
4   the vacancy exists, provided that the voters eligible to vote in the
5   local election comprise at least 50 percent of all the voters
6   eligible to vote on the vacancy.
7   (b) Except as provided in Chapter 3 (commencing with
8   Section 10730), a special election or a primary election may not
9   be conducted on the day after a state holiday.
10   ~~SEC. 5.~~
11   *SEC. 2.*   Section 15101 of the Elections Code is amended to
12   read:
13   15101.   (a) Any jurisdiction in which absentee ballots are cast
14   may begin to process absentee ballot return envelopes beginning
15   29 days before the election. Processing absentee ballot return
16   envelopes may include verifying the voter's signature on the
17   absentee ballot return envelope and updating voter history
18   records.
19   (b) Any jurisdiction having the necessary computer capability
20   may start to process absentee ballots on the seventh business day
21   prior to the election. Processing absentee ballots includes
22   opening absentee ballot return envelopes, removing ballots,
23   duplicating any damaged ballots, and preparing the ballots to be
24   machine read, or machine reading them, but under no
25   circumstances may a vote count be accessed or released until 8
26   p.m. on the day of the election. All other jurisdictions shall start
27   to process absentee ballots at 5 p.m. on the day before the
28   election.
29   (c) Results of any absentee ballot tabulation or count shall not
30   be released prior to the close of the polls on the day of the
31   election.

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